

CHAPTER II

LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Necessity for driving license -

(1) No person shall drive a motor vehicle in any public place unless he holds an effective driving license issued to him authorising him to drive the vehicle; and no person shall so drive a transport vehicle (other than 1[a motor cab or motor cycle] hired for his own use or rented under any scheme made under sub-section (2) of section 75) unless his driving license specifically entitles him so to do.

(2) The conditions subject to which sub-section (1) shall not apply to a person receiving instructions in driving a motor vehicle shall be such as may be prescribed by the Central Government.

4. Age limit in connection with driving of motor vehicles -

(1) No person under the age of eighteen year shall drive a motor vehicle in any public place.

Provided that 2[a motor cycle with engine capacity not exceeding 50 cc] may be driven in a public place by a person after attaining the age of sixteen years.

(2) Subject to the provisions of section 18, no person under the age of twenty years shall drive a transport vehicle in any public place.

(3) No learner's license or driving license shall be issued to any person to drive a vehicle of the class to which he has made an application unless he is eligible to drive that class of vehicle under this section.

5. Responsibility of owners of motor vehicles for contravention of sections 3 and 4-

No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicles.

6. Restrictions on the holding of driving license-

(1) No person shall, while he holds any driving license or a driving license issued in accordance with the provisions of section 18 or a document authorising, in accordance with the rules made under section 139, the person specified therein to drive a motor vehicle.

(2) No holder of a driving license or a learner's license shall permit it to be used by any other person.

(3) Nothing in this section shall prevent a licensing authority having the jurisdiction referred to in sub-section (1) of section 9 from adding to the classes of vehicles which the driving license authorities the holder to drive.

7. Restrictions on the granting of learner's licenses for certain vehicles-

3[(1) No person shall be granted a learner's license to drive a transport vehicle unless he has held a driving license to drive a light motor vehicle for at least one year.]

(2) No person under the age of eighteen years shall be granted a learner's license to drive a motor cycle without gear except with the consent in writing of the person having the care of the person desiring the learner's license.

8. Grant of learner's license

(1) Any person who is not disqualified under section 4 section driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving license may, subject to the provisions of section 7, apply to the licensing authority having jurisdiction in the area-

(i) in which he ordinarily resides or carries on business, or

(ii) in which the school or establishment referred to in section 12 from where he intends to receive instruction

in driving a motor vehicle is situated, for the issue to him of a learner's license.

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such documents and with such fee as may be prescribed by the Central Government.

(3) Every application under sub-section (1) shall be accompanied by a medical certificate in such form as may be prescribed by the Central Government and signed by such registered medical practitioner, as the State Government or any person authorised in this behalf by the State Government may, by notification in the Official Gazette, appoint for this purpose.

1[Provide that no such medical certificate is required for license to drive a vehicle other than a transport vehicle.]

(4) If, from the application or from the medical certificate referred to in sub-section (3), it appears that the applicant is suffering from any disease or disability which is likely to cause the driving by him of a motor vehicle of the class which he would be authorised by the learner's license applied for to drive to be a source of danger to the public or to the passengers, the licensing authority shall refuse to issue the learner's license:

Provided that a learner's license limited to driving an invalid carriage may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage.

(5) No learner's license shall be issued to any applicant unless he passed to the satisfaction of the licensing authority such test as may be prescribed by the Central Government.

(6) When an applicant has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his physical fitness under subsection (3) and has passed to the satisfaction of the licensing authority the test referred to in sub-section (5), the licensing authority shall, subject to the provisions of section 7, issue the applicant a learner's license unless the applicant is disqualified under section 4 for driving a motor vehicle or is for the time being disqualified for holding or obtaining a license to drive a motor vehicle.

Provided that a licensing authority may issue a learner's license to drive a motor cycle of a light motor vehicle notwithstanding that is not the appropriate licensing authority, if such authority is satisfied that there is good reason

for the applicant's inability to apply to the appropriate licensing authority.

(7) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of persons from the provisions of sub-section (3), sub-section (5), or both

(8) Any learner's license for driving a motor cycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motor cycle with or without gear.

9. Grant of driving license-

(1) Any a person who is not for the time being disqualified for holding or obtaining a driving license may apply to the licensing authority having jurisdiction in the area__

(i) in which he ordinarily resides or carries on business, or

(ii) in which the school or establishment referred to in section 12 from where he is receiving or has received instruction in driving a motor vehicle is situated, for the issue to him of a driving license.

(2) Every application under sub-section(1) shall be in such form and shall be accompanied by such fee and such documents as may be prescribed by the Central Government.

1[(3) If the applicant passes such test as may be prescribed by the Central Government, he shall be issued the driving license.

Provided that no such test shall be necessary where the applicant produces proof to show that-

- (a) (i) the applicant has previously held a driving license to drive such class of vehicle and that the period between the date of expiry of that license and the date of the application does not exceed five years,
or

(ii) the applicant holds or has previously held a driving license to drive such class of vehicle issued under section 18, or

(iii) the applicant holds a driving license to drive such class of vehicle issued by a competent authority of any country outside India, subject to the condition that the applicant complies with the provisions of sub-section (3) of section

- (b) the applicant is not suffering from any disability which is likely to cause the driving by him to be source of danger to the public; and the licensing authority may, for that purpose, require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8.

Provided further that where the application is for a driving license to drive a motor vehicle (not being a transport vehicle), the licensing authority may exempt the applicant from the test of competence to drive a vehicle prescribed under this sub-section, if the applicant possesses a driving issued by any institution recognized in this behalf by the State Government.)

(4) Where the application is for a license to drive a transport vehicle, no such authorisation shall be granted to any applicant unless he possesses such minimum educational qualifications as may be prescribed by the Central Government and a driving certificate issued by a school or establishment referred in section 12.

(5) Where the applicant does not pass the test, he may be permitted to reappear for the test after a period of seven days.

Provided that where the applicant does not pass the test even after three appearances, he shall not be qualified to re-appear for such test before the expiry of a period of sixty days from the date of last such test.]

(6) The test of competence to drive shall be competence to drive shall be carried out in a vehicle of the type to which the application refers.

Provided that a person who passed a test in driving a motor cycle with gear shall be deemed also to have passed a

test in driving a motor cycle without gear.

(7) When any application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his competence to drive, the licensing authority, if the licensing authority shall issue the applicant a driving license unless the applicant is for the time being disqualified for holding or obtaining a driving license.

Provided that a licensing authority may issue a driving license to driving license unless the applicant is for the time being disqualified for holding or obtaining a driving license.

Provided further that the licensing authority shall not issue a new driving license to the applicant, if he had previously held a driving license, unless it is satisfied that there is good and sufficient reason for his inability to obtain a duplicate copy of his former license.

(8) If the licensing authority is satisfied, after giving the applicant an opportunity of being heard, that he-

(a) is a habitual criminal or a habitual drunkard; or

(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985)

(c) is a person whose license to drive any motor vehicle has, at any time earlier, been revoked,

it may, for reasons to be recorded in writing, make an order refusing to issue a driving license to such person and any person aggrieved by an order made by a licensing authority under this sub-section may, within thirty days of the receipt of the order, appeal to the prescribed authority.

(9) Any driving license for driving a motor cycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motor cycle with or without gear.

10. Form and contents of licenses to drive-

(1) Every learner's license and driving license, except a driving license issued under section 18, shall be in such form and shall contain such information as may be prescribed by the Central Government.

(2) A learner's license or, as the case may be, driving license shall also be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely-

- (a) motor cycle without gear;
- (b) motor cycle with gear;
- (c) invalid carriage;
- (d) light motor vehicle;
- 1[(e) transport vehicle;]
- (i) road-roller
- (j) motor vehicle so a specified description.

11. Additions to driving license-

(1) Any person holding a driving license to drive any class or description of motor vehicles, who is not for the time being disqualified for holding or obtaining a drive any other class or description of motor vehicles, may apply to the licensing authority having jurisdiction in the area in which he residence or carries on his business in such form and accompanied by such documents and with fees as may be prescribed by the Central Government for the addition of such other class or description of motor vehicles to the license.

(2) Subject to such rules as may be prescribed by the Central Government, the provisions of section 9 shall apply to an application under this section as if the said application was for the grant of a license under that section to drive the class or description of motor vehicles which the applicant to be added to his license.

12. Licensing and regulation of schools or establishments for imparting instruction in driving of motor vehicles-

(1) The Central Government may make rules for the purpose of licensing and regulating, by the State Government, schools or establishment (by whatever name called) for imparting instructing in driving of motor vehicles and matter connected therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or the following matters, namely -

- (a) licensing of such schools or establishments including grant, renewal and revocation of such licenses.
- (b) supervision of such schools or establishments;
- (b) the form of application and the form of license and the particulars to be contained therein;
- (d) fee to be paid with the application for such licenses;
- (e) conditions subject to which such licenses may be granted;
- (f) appeals against the orders of refusal to grant or renew such licenses and appeals against the orders revoking such licenses;
- (g) conditions subject to which a person may establish and maintain any such school or establishment for imparting instruction in driving of motor vehicles;
- (h) nature, syllabus and duration of course for efficient instruction in driving any motor vehicle;
- (i) apparatus and equipment (including motor vehicles fitted with dual control required for the purpose of imparting such instruction;

- (j) suitability of the premises at which such schools or establishments may be established or maintained and facilities to be provided therein;
- (k) qualifications, both educational and professional (including experience), which a person imparting instruction in driving a motor vehicles maintained by them for imparting such instruction);
- (l) inspection of such schools and establishments (including the services rendered by them and the apparatus, equipment and motor vehicles maintained by them for imparting such instruction.
- (m) maintenance of records by such schools or establishments;
- (n) financial stability of such schools or establishments;
- (o) the driving certificates, if any, to be issued by such schools or establishments and the form in which such driving certificates shall be issued and the requirements to be complied with for the purpose of issuing such certificates;
- (p) such other matters as may be necessary to carry out the purposes of this section.

(3) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of schools or connected therewith from the provisions of this section.

(4) A school or establishment imparting instruction in driving of motor vehicles or matters connected therewith immediately before the commencement of this Act whether under a license or not, may continue to impart such instruction without a license issued under this Act for a period of one month from such commencement, and if it has made an application in the prescribed form, contains the prescribed particulars and is accompanied by the prescribed fee, till the disposal of such application by the licensing authority.

13. Extent of effectiveness of licenses, to drive motor vehicles-

A learner's license issued under this Act shall, be effective throughout India.

14. Currency of licenses to drive motor vehicles -

(1) A learner's license issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six month from the date of issue of the license.

(2) A driving license issued or renewed under this Act shall,-

(a) in the case of a license to drive a transport vehicle, be effective for a period of three years :

2[Provided that in the case of license to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of one year renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the of the prescribed syllabus; and]

(b) in the case of any other license,-

(i) if the person obtaining the license, either originally or on renewal thereof, has not attained the age of 3[fifty years] on the date of issue or, as the case may be, renewal thereof,-

(A) be effective for a period of twenty years from the date of such issue or renewal; or

(B) until the date on which such person attains the age of 1[fifty years], whichever is earlier;

2[(ii) if the person referred to in sub-clause (i), has attained the age of fifty years on the date of issue or as the case may be, renewal thereof, be effective, on payment of such fee as may be prescribed, for a period of five years from the date of such issue or renewal;]

Provided that every driving license shall, notwithstanding its expiry under this sub-section, continue to be effective for a period of thirty days from such expiry.

15. Renewal of driving licenses -

(1) Any licensing authority may, on application made to it, renew a driving license issued under the provisions of this Act with effect from the date of its expiry.

Provided that in any case where the application for the renewal of a license is made more than thirty days after the date of its expiry, the driving license shall be renewed with effect from the date of its renewal .

Provided further that where the application for the renewal of a license to drive a transport vehicle or where in any other case the applicant has attained the age of forty years, the same shall be accompanied by a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8, and the provisions of sub-section (4) of section 8 shall, so far as may be, apply in relation to every such case as they apply in relation to a learner's license.

(2) An application for the renewal of a driving license shall be made in such form and accompanied by such documents as may be prescribed by the Central Government

(3) Where an application for the renewal of a driving license is made previous to, or not more than thirty days after the date of its expiry, the fee payable for such renewal shall be such as may be prescribed by the Central Government in this behalf.

(4) Where an application for the renewal of a driving license is made more than thirty days after the date of its expiry, the fee payable for such renewal shall be such amount as may be prescribed by the Central Government.

Provided that the fee referred to in sub-section (3) may be accepted by the licensing authority in respect of an application for the renewal of a driving license made under this sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from applying within the time specified in sub-section (3).

Provided further that if the application is made more than five years after the driving license has ceased to be effective, the licensing authority may refuse to renew the driving license, unless the applicant undergoes and passes to its satisfaction the test of competence to drive referred to in sub-section (3) of section 9.

(5) Where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed by the Central Government.

(6) Where the authority renewing the driving license is not the authority which issued the driving license it shall intimate the fact of renewal to be authority which issued the driving license.

16. Revocation of driving license on grounds of disease or disability-

Notwithstanding anything contained in the foregoing section, any licensing authority may at any time revoke a driving license or may require, as a condition of continuing to hold such driving license, the holder thereof to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8, if the licensing authority has reasonable grounds to believe that the holder of the driving license is, by virtue of any disease or disability, unfit to drive a motor vehicle and where the authority revoking a driving license is not the authority which issued that license.

17. Orders refusing or revoking driving licenses and appeals there from-

(1) Where a licensing authority refuses to issue any learner's license or to issue or renew, or revokes, any driving license, or refuses to add a class or description of the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or revocation.

(2) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal giving such person and the authority which made the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority which made the order.

18. Driving licenses to drive motor vehicles, belonging to the Central Government-

(1) Such authority as may be prescribed by the Central Government may issue driving license valid throughout India to persons who have completed their eighteenth year to drive motor vehicles which are the property or for the time

being under exclusive control, of the Central Government and are used for Government purpose relating to the defense of the country and unconnected with any commercial enterprise.

(2) A driving license issued under this section shall specify the class or description of vehicle which the holder is entitled to drive and the period for which he is so entitled.

(3) A driving license issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle referred to in sub-section (1)

(4) The authority issuing any driving license under this section shall at the request of any State Government, furnish such information respecting any person to whom a driving license is issued as that Government may at any at any time require.

19. Power of licensing authority to disqualify from holding a driving license or revoke such license -

(1) If a licensing authority is satisfied, after giving the holder of a driving license an opportunity of being heard, that he

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(a) is a habitual criminal or a habitual drunkard; or

(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);or

(c) is using or has used a motor vehicle in the commission of a cognizable offence; or

(d) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public; or

(e) has obtained any driving any driving license or a license to drive a particular class or description of motor vehicle by fraud or misrepresentation; or

(f) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or

(g) has failed to submit to, or has not passed, the tests referred to in the provision to sub-section (3) of section 22; or

(h) being a person under the age of eighteen years who has been granted a learner's license or a driving license with the consent in writing of the person having the care of the holder of the license and has ceased to be in such care,

it may, reasons to be recorded in writing, make an order-

(i) disqualifying that person for a specified period for holding or obtaining any driving license to drive all or any classes or descriptions of vehicles specified in the license; or

(ii) revoke any such license.

(2) Where an order under sub-section (1) is made the holder of a driving license shall forthwith surrender his driving license to the licensing authority making the order, if the driving license has not already been surrendered, and the licensing authority shall,-

(a) if the driving license is a driving license issued under this Act, keep it until the disqualification has expired or has been removed, or

(b) if it is not a driving license issued under this Act, endorse the disqualification upon it and send it to the licensing authority by which it was issued; or

(c) in the case of revocation of any license, endorse the revocation upon it and if it is not the authority which issued the same, intimate the fact of revocation to the authority which issued that license.

Provided that where the driving license of a person authorises him to drive more than one class or description of

motor vehicles and the order, made under sub-section (1) disqualifies him from driving any specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving license and return the same to the holder.

(3) Any person aggrieved by an order made by a licensing authority under sub-section (1) may, within thirty days of the receipt of the order, appeal to the prescribed authority, and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and may pass such order as it thinks fit and an order passed by any such appellate authority shall be final.

20. Power of Court to disqualify -

(1) Where a person is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, the Court by which such person is convicted may, subject to the provisions of this Act, in addition to imposing any other punishment authorised by law, declare the persons so convicted to be disqualified, for such period as the Court may specify, from holding any driving license to drive all classes or description of vehicles, or any particular class or description of such vehicles, as are specified in such license.

Provided that in respect of an offence punishable under section 183 no such order shall be made for the first or second offence.

(2) Where a person is convicted of an offence under clause (c) of sub-section(1) of section 132, section 134 or section 185, the Court convicting any person of any such offence shall order the disqualification under sub-section (1), and if the offence is relatable to clause (c) of sub-section (1) of section 132 or section 134, such disqualification shall be for a period of not less than one month, and if the offence is relatable to section 185, such disqualification shall be a period of not less than six months.

(3) A Court shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of a person-

- (a) who having been convicted of an offence punishable under section 184 is again convicted of an offence punishable under that section,

- (b) who is convicted of an offence punishable under section 189, or
- (c) who is convicted of an offence punishable under section 192.

Provided that the period of disqualification shall not exceed, in the case referred to in clause (a), five years, or, in the case referred to in clause (b), two years or, in the referred to in clause (c), one year.

(4) A Court ordering the disqualification of a person convicted of an offence punishable under section 184 may direct that such person shall, whether he has previously passed the test of competence to drive as referred to in sub-section (3) the order of disqualification passed that test satisfaction of the licensing authority.

(5) The Court to which an appeal would ordinarily lie from any conviction of an offence of the nature specified in sub-section notwithstanding that no appeal would lie against the conviction a result to which such order of disqualification was made.

21. Suspension of driving license in certain cases-

(1) where, in relation to a person who had been previously convicted of an offence punishable under section 184, a case is registered by a police officer on the allegation that such person has, by such dangerous driving as is referred to in the said section 184, of any class or description of motor vehicle caused the death of, or grievous hurt to, one or more persons, the driving license held by such person shall in relation to such class or description of motor vehicle become suspended-

- (a) for a period of six months from the date on which the case is registered, or
- (b) if such person is discharged or acquitted before the expiry of the period aforesaid, until such discharge or acquittal as the case may be.

(2) Where by virtue of the provisions of sub-section (1), the driving license held by a person becomes suspended, the police officer, by whom the case referred to in sub-section (1) is registered, shall bring such

suspension to the notice of the Court competent to take cognizance of such offence, and thereupon, such Court shall take possession of the driving license, endorse the suspension thereon and intimate the fact of such endorsement to the licensing authority by which the license was granted or last renewed.

(3) Where the person referred to in sub-section (1) is an acquitted or discharged the Court shall cancel the endorsement on such driving license with regard to the suspension thereof.

(4) If a driving license in relation to a particular class or description of motor vehicles is suspended under sub-section (1), the person holding such license shall be debarred from holding or obtaining any suspension of the driving license remains in force.

22. Suspension or cancellation of driving license on conviction-

(1) Without prejudice to the provisions of sub-section (3) of section 20 where a person, referred to in sub-section (1) of section 21, is convicted of an offence of causing, by such dangerous driving as is referred to in section 184 of any class or description of motor vehicle the death of, or grievous hurt to, one or more person, the Court by which such person is convicted may cancel, or suspend for such period as it may think fit, the driving license held by such person is so far as it relates to that class description of motor vehicle.

(2) Without prejudice to the provisions of sub-section (2) of section 20, if a person, having been previously convicted of an offence punishable under section 185, is again convicted of an offence punishable under that section, the Court, making such subsequent conviction, shall, by order, cancel the driving license held by such person.

(3) If a driving license is cancelled or suspended under this section, the Court shall take the driving license in its custody, endorse the cancellation or, as the case may be, suspension, thereon and send the driving license so endorsed to the authority by which the license was issued or last renewed and such authority shall, on receipt of an license, keep the license in its safe custody, and in the case of a suspended license, return the license to the holder thereof after the expiry of the period of suspension on an application made by him for such return:

Provided that no such license shall be returned unless the holder thereof has, after the expiry of the period of

suspension, undergone and passed, to the satisfaction of the licensing authority by which the license was issued or last renewed, a fresh test of competence to drive referred to in sub-section (3) of section 9 and produced a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8.

(4) If a license to drive a particular class or description of motor vehicles is cancelled or suspended under this section, the person holding such a license shall be debarred from holding, or obtaining, any license to drive such particular class or description of motor vehicles so long as the cancellation or suspension of the driving license remains in force.

23. Effect of disqualification order-

(1) A person in respect of whom any disqualification order is made under section 19 or section 20 shall be debarred to the extent and for the period specified in such order from holding or obtaining a driving license and the driving license, if any, held by such person at the date of the order shall cease to be effective to such extent and during such period.

(2) The operation of a disqualification order made under section 20 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result, if any, held by such person at the date of the order shall cease to be effective to such extent and during such period.

(3) Any person in respect of whom any disqualification order has been made may at any time after the expiry of six months from the date of the order apply to the Court or other authority by which the order was made, to remove the disqualification; and the Court or authority, as the case may be, may, having regard to all the circumstance, either cancel or vary the disqualification order.

Provided that where the Court or other authority refuses to cancel or vary any disqualification order under this section, a second application thereunder shall not be entertained before the expiry of a three months from the date of such refusal.

24. Endorsement-

- (1) The Court authority making an order of disqualification shall endorse or cause to be endorsed upon the driving license if any, held by the person disqualified, particulars of the order of disqualification is made; and particulars of any cancellation or variation of an order of disqualification made under sub-section(3) of section 23 shall be similarly so endorsed.
- (2) A Court by which any person is convicted of an offence under this Act as may be prescribed by the Central Government, having regard to the objects of this Act, shall, whether or not a disqualification order is made in respect of such conviction, endorse or cause to be endorsed particulars at such conviction on any driving license held by the person convicted.
- (3) Any person accused of an offence prescribed under sub-section (2) shall when attending the Court bring with him his driving license if it is in his possession.
- (4) Where any person is convicted of any offence under this Act and sentenced to imprisonment for a period exceeding three months, the Court awarding the sentence shall endorse the fact of such sentence upon the driving license of the person concerned and the prosecuting authority shall intimate the fact of such endorsement to the authority by which the driving license was granted or last renewed.
- (5) When the driving license is endorsed or caused to be endorsed by any Court, such Court shall send the particulars of the endorsement to the licensing authority by which the driving license was granted or last renewed.
- (6) Where on an appeal against any conviction or order of a Court, which has been endorsed on a driving license, the Appellate or last renewed and such authority shall amend or cause to be amended the endorsement.

25. Transfer of endorsement and issue of driving license free from endorsement-

- (1) An endorsement on any driving license shall be transferred to any new or duplicate driving license obtained by the holder thereof until the holder becomes entitled under the provisions of this section to have a driving license issued to him free endorsement.
- (2) Where a driving license is required to be endorsed and the driving license is not in the possession of the

Court or authority by which the endorsement is to be made, than-

(a) if the person in respect of whom the endorsement is to be made is at the time the holder of a driving license, he shall produce the driving license to the Court or authority within five days, or such longer time as the Court or authority may fix; or

(b) if, not being then the holder of a driving license, he subsequently obtains a driving license, he shall within five days after obtaining the driving license produce it to the Court or authority;

and if the driving license is not produced within the time specified, it shall, on the expiration of such time, be of no effect until it is produced for the purpose of endorsement.

(3) A person whose driving license has been endorsed shall, if during a continuous period of three years after such endorsement no further endorsement has been made against him, be entitled on surrendering his driving license and on payment of a fee of five rupees, to receive a new driving license free from all endorsements.

Provided that if the endorsement is only in respect of an offence contravening the speed limits referred to in section 112, such person shall be entitled to receive a new driving license free from such endorsements on the expiration of one year of the date of the endorsement.

Provided further that in reckoning the said period of three years and one year, respectively, any period during which the said person was disqualified for holding or obtaining a driving license shall be excluded.

26. Maintenance of State Registers of Driving Licenses-

(1) Each State Government shall maintain, in such form as may be prescribed by the Central Government, a register to be known as the State Register of Driving Licenses, in respect of driving licenses issued and renewed by the licensing authorities of the State Government, containing the following particulars, namely:-

(a) names and addresses of holders of driving licenses;

- (b) license numbers;
- (c) dates of issue or renewal of license;
- (d) dates of expiry of licenses;
- (e) classes and types of vehicles authorised to be driven; and
- (f) such other particulars as the Central Government may prescribe.

(2) Each State Government shall supply to the Central Government a 1[printed copy or copy in such other form as the Central Government may require], of the State Register of Driving License and shall inform the Central Government with out delay of all additions so and other amendments in such register made from time to time.

(3) The State Register of Driving Licenses shall be maintained in such manner as may be presented by the State Government.

27. Power of Central Government to make rules-The Central Government may make rules-

- (a) regarding conditions referred to in sub-section (2) of section 3;
- (b) providing for the form in which the application for learner's license may be made, the information it shall contain and the documents to be submitted with the application referred to in sub-section(2) of section 8;
- (c) providing for the form of medical certificate referred to in sub-section 8;
- (d) providing for the particulars for the test referred to in sub-section(5) of section 8;
- (e) providing for the form in which the application for driving license may be made, the information it shall contain and the documents to be submitted with the application referred to in sub-section(2) of section 9;
- (f) providing for the particulars regarding test of competence to drive referred to in sub-section (3) of section

9;

- (g) specifying the minimum educational qualifications of person to whom licenses to drive transport vehicles may be issued under this Act and time within which such qualification are to be acquired by such persons;
- (h) providing for the form and content of the license referred to in sub-section (1) of section 10;
- (i) providing for the form and contents of the application referred to in sub-section (1) of section 11 and document to be submitted with the application and the fee to be charged;
- (j) providing for the conditions subject to which section 9 shall apply to an application made under section 11;
- (k) providing for the form and contents of the application referred to in sub-section (1) of section 15 and the documents to accompany such application under sub-section (2) of section 15;
- (l) providing for the authority to grant licenses under sub-section (1) of section 18;
- (m) specifying the fees payable under sub-section (3) and (4) of section 15 for the grant of learners licenses, and for the grant and renewal of driving licenses and licenses for the purpose of regulating the schools or establishment for imparting instruction in driving motor vehicles;
- (n) specifying the acts for the purposes of clauses (f) of sub-section (1) of section 19;
- (o) specifying the offences under this Act for the purposes of sub-section (2) of section 24;
- (p) to provide for all or any of the matters referred to in sub-section (1) of section 26;
- (q) any other matter which is, or has to be, prescribed by the Central Government.

28. Power of State Government to make rules-

(1) A State Government may make rule for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 27.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities;

(b) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees.

Provided that no fee so fixed shall exceed twenty-five rupees;

(c) the issue of duplicate license to replace licenses lost, destroyed or mutilated, the replacement of photographs which have become obsolete and the fees to be charged therefor;

(d) the badges and uniform to be worn by drivers of transport vehicles and the fees to be paid in respect of badges;

(e) the fee payable for the issue of a medical certificate under sub-section (3) of section 8;

(f) the exemption of prescribed persons, or prescribed classes of persons, from payment of all or any portion of the fees payable under this Chapter;

(g) the communication of particulars of licenses granted by one licensing authority to other licensing authorities ;

(h) the duties, functions and conduct of such persons to whom licenses to drive transport vehicles are issued;

(i) the exemption of drivers of road-rollers from all or any of the provisions of this Chapter or of the rules made

thereunder;

(j) the manner in which the State Register of Driving Licenses shall be maintained under section 26;

(k) any other matter which is to be, or may be, prescribed.